

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q96497

Yuji OKUBO, et al.

Appln. No.: 10/591,248

Group Art Unit: 1632

Confirmation No.: 4347

Examiner: Wu Chen Winston SHEN

Filed: November 27, 2006

For: NOVEL TRANSFORMANT AND PROCESS FOR PRODUCING POLYESTER USING
THE SAME

RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENTS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This responds to the Restriction and Election of Species Requirement, dated December 24, 2008. In response to the Restriction Requirement, Applicant elects Group X, claims 20-25 for examination. This election is made with traverse. This response is timely based on the filing herewith of a Petition for Extension of Time, extending the period for response from January 24, 2009 to February 24, 2009.

Restriction Requirement

Applicant respectfully traverses the Restriction Requirement, *inter alia*, for the reasons discussed below.

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Applicant respectfully submits that claim 20 is not anticipated by Remacha because Remacha does not disclose the yeast transformant of claim 22. Applicant furthermore respectfully submits that since claims 26-33 depend from claim 20, they should be examined together with claim 20. In the event the Examiner finds that claims 26-33 should be examined together with claim 20, Applicant elects amino acid substitution (a) of claim 27.

In review of the foregoing remarks, Applicant respectfully requests that the existing Restriction Requirement be withdrawn/modified.

Additionally, it appears to Applicant that the content of Groups XI, XIII, XV, XVII, XIX, XX, XXII, and XXIV, as indicated at pages 4 -7 of the Office Action, does not correspond to the recitation of each claim.

Election of Species

In response to the Examiner's requirement to elect a species, Applicant elects *Candida maltosa* for examination. It is submitted that claims 1 - 36 are readable on the elected species.

Applicant respectfully submits that if any of the elected claims is found to be allowable, claims dependent therefrom should similarly be considered allowable in the same application, and Applicant respectfully requests that the Examiner consider rejoinder of non-elected claims.

Applicant also reserves the right to file a Divisional Application directed to non-elected non-rejoined claims.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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CUSTOMER NUMBER

Date: February 24, 2009